

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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CHRISTOPHER RONEY,

Petitioner,

v.

JOHN E. WETZEL, Secretary, Pennsylvania  
Department of Corrections; ROBERT  
GILMORE, Superintendent of the State  
Correctional Institution at Greene; STEVEN  
GLUNT, Superintendent of the State  
Correctional Institution at Rockview,

Respondents.

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CIVIL ACTION

No. 2:14-cv-02083

**THIS IS A CAPITAL CASE**

HON. GENE E.K. PRATTER

**JOINT STATUS REPORT**

Petitioner, through counsel hereby submits this report on the status of discovery and related issues:

Pursuant to this Court's September 19, 2022 Order (Doc. 134) directing the parties to file a status update, the parties present this Joint Status Report. As the Court is aware, the parties have been engaged in discovery that produced jury selection materials, including contemporaneous, handwritten notes taken by Petitioner's trial prosecutor, Roger King, in numerous cases other than Petitioner's.<sup>1</sup> These newly produced materials contain evidence that supports Mr. Roney's claim that the trial prosecutor discriminated on the basis of race and gender during jury selection, in violation of *J.E.B. v. Alabama*, 511 U.S. 127 (1994) and *Batson v. Kentucky*, 476 U.S. 79 (1986).<sup>2</sup>

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<sup>1</sup> Pursuit of these Roger King jury selection materials followed the Commonwealth's 2018 production, in federal discovery, of Mr. King's handwritten notes from selection of the jury in Petitioner's case.

<sup>2</sup> Claim IV (Doc. 8).

Like the handwritten notes from jury selection in Petitioner's case - also produced for the first time in federal discovery - this new evidence was previously unavailable to Petitioner and as such has not been exhausted in state court. Accordingly, on September 14, 2022, Petitioner filed an Amendment to his Petition for Post-Conviction Relief in the Court of Common Pleas, Philadelphia County That pleading supplements the PCRA petition Mr. Roney filed on June 18, 2018, which is currently pending before that court.<sup>3</sup> Petitioner also anticipates filing another amendment to his PCRA petition before December 2022, to include new evidence made available for the first time between December 2022 and April 2022.

As this Court is aware, on November 19, 2019, the PCRA court, the Honorable Gary S. Glazer presiding, accepted Petitioner's successors/amendments and stayed the case in the Court of Common Pleas pending disposition of the federal habeas corpus proceedings, but allowed for any future amendments necessitated by discovery productions in the federal proceedings. Upon Judge Glazer's retirement in January 2022, however, the case was returned to the active docket by court administration and a new judge has been assigned.<sup>4</sup> A status hearing is now scheduled for October 24, 2022.

Respondents have not yet determined their position regarding exhaustion with respect to the newly discovered evidence.

In light of the current circumstances, the parties propose filing an update in thirty (30) days to report how the PCRA court proceeds October 24, 2022, and for Respondents to set forth their position regarding exhaustion.

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<sup>3</sup> This June 18, 2018, successor PCRA petition was first amended on November 27, 2018, with additional handwritten jury selection notes from Petitioner's case, discovered during a review of the Commonwealth's file in this case. It was amended again on September 25, 2019, with materials supporting Petitioner's claim that he was denied a fair trial because of the overwhelming police presence in the courtroom during his trial and penalty hearing.

<sup>4</sup> Honorable Scott DiClaudio is now presiding.

/s/ Michael Gonzales

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Dated: September 30, 2022

**CERTIFICATE OF SERVICE**

I, Michael H. Gonzales, hereby certify that on this 30<sup>th</sup> day of September 2022, I served a copy of the foregoing upon the following individual(s) via the Court's ECF system:

Matthew Stiegler  
Chief, Federal Litigation Unit  
Philadelphia District Attorney's Office  
Three South Penn Square  
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/s/ Michael H. Gonzales  
Michael H. Gonzales

Dated: September 30, 2022